## REMARKS

In response to the Official Action mailed June 17, 2005, Applicants amend their application and request reconsideration. Claims 1-3 5 stand rejected. In this Amendment, claims 29-35 are canceled and claims 36-39 are added so that claims 1-28 and 36-39 are now pending. Claims 36-39 are added to clarify that the request units may represent portions of multiple client requests. These claims are supported by the original specification at page 12, ll. 18-19. No new matter has been added.

### I.     35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Weisman* et al., US Patent Application Publication No. 2002/0112058 (hereinafter, "*Weisman*"). Applicants respectfully traverse this rejection with respect to pending claims 1-28 and 36-39.

Applicants submitted on February 18, 2005, a declaration under 37 C.F.R. § 1.131 signed by a named co-inventor showing conception on or before November 22, 2000, and showing subsequent diligence in reducing to the invention to practice. *Weisman*, and the provisional application to which *Weisman* claims priority, was filed after November 22, 2000. Thus, *Weisman* does not satisfy the statutory requirement of "an application for patent, published under section 122 (b), by another **filed in the United States before the invention by the applicant for patent**" (emphasis added) as required by 35 U.S.C. § 102(e). Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 1-4, 6-11, 13-18, 20-25, 27-32, and 34-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Jordan*, US Patent Application Publication No. 2002/0069157. Applicants respectfully traverse this rejection with respect to pending claims 1-28 and 36-39.

Regarding claims 1, 8, 15, and 22, *Jordan* fails to teach "servicing said units in order."

The Examiner asserts that paragraphs 305 and 320 of *Jordan* teach this limitation. However,

these paragraphs bear no relation to paragraph 258 of *Jordan*, the paragraph relied upon by the

Examiner to teach "dividing said client requests into... small units." That is, there is no logical

connection between the parsed XML document objects of paragraph 258 (the alleged "units")

and the message brokering system described in paragraphs 305 and 320. *Jordan* does not teach

that the parsed XML objects are individually placed in the message queue described at

paragraphs 305 and 320 of *Jordan*, and thus *Jordan* does not teach that these alleged units are

serviced. Accordingly, the rejection is erroneous and should be withdrawn.

Regarding claims 4, 11, 18, and 25, the Examiner contends that the limitation "said

smaller units [of the requests] are placed in a queue" is taught by *Jordan* at paragraph 346. This

contention is also erroneous. At paragraph 346, Jordan discloses that messages received by

brokers are delivered to clients via a queue. *Jordan* does not, however, teach that these messages

are "smaller units" of request messages. Moreover, *Jordan* teaches no connection between the

message queue in paragraph 346 and the parsed XML document objects of paragraph 258, the

paragraph relied upon by the Examiner to teach the divided client requests of claims 1, 8, 15, 22,

and 29. That is, *Jordan* clearly fails to teach the parsed XML objects of paragraph 258 are

placed in the queue of paragraph 346. Because *Jordan* lacks this logical interconnect, it does not

anticipate claims 4, 11, 18, 25, and 32.

Regarding claims 7, 14, 21, and 28, the Examiner relies on the term "SOAP" in

paragraph 219 of *Jordan* to teach that "said units are defined by an XML <envelope> and an

XML </envelope> tag." Applicants submit that SOAP and XML are not equivalent. In fact, the

former is a protocol and the latter is a mark-up language. Accordingly, the rejection is erroneous.

Regarding new claims 36-39, Applicants submit that *Jordan* fails to teach that the "units represent portions of multiple client requests." A tree of XML objects fails to anticipate units that are portions of multiple client requests (paragraph 258 of *Jordan*).
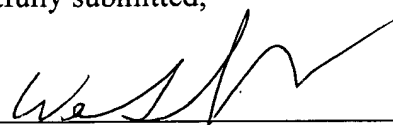
Applicants note that claims 5, 12, 19, and 26 are not rejected as anticipated by *Jordan*. Because the rejection of those claims based on Weisman is erroneous, claims 5, 12, 19, and 26 should be indicated as allowable.


## II.  Conclusion

In view of the above remarks, Applicants submit that all claims are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated:  September 19, 2005         By:_____
                                   A. Wesley Ferrebee
                                   Registration No. 51,312

Customer Number 26263
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, IL  60606-1080
Phone: (202) 408-6832
Fax:  (312) 876-7457